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Kelly K. Kordzik 100 Congress Avenue, Suite 800 Austin, TX 78701			CHEUNG, MARY DA ZHI WANG	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 11

Application Number: 09/731,628
Filing Date: December 07, 2000
Appellant(s): KUMHYR, DAVID BRUCE

Robert A. Voigt, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 15, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

Examiner currently withdraws the previous rejections for claims 8-12, 20-24 and 32-36; thus, the statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1-7, 13-19 and 25-31; they are rejected under 35 U.S.C. §102(e).

Claims 8-12, 20-24 and 32-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

Since the rejections for claims 8-12, 20-24 and 32-36 are withdrawn, the only issue is whether claims 1-7, 13-19 and 25-31 properly rejected under 35 U.S.C. §102(e) as being anticipated by Koeppel et al. (U. S. Patent 6,477,575).

(7) Grouping of Claims

Since the rejections for claims 8-12, 20-24 and 32-36 are withdrawn, some of the grouping of claims stated by the appellant are canceled accordingly. The current grouping of the claims as following:

Claims 1, 7, 13, 19, 25 and 31 form a first group.

Claims 2, 14 and 26 form a second group.

Claims 3, 15 and 27 form a third group.

Claims 4, 16 and 28 form a forth group.

Claims 5, 17 and 29 form a fifth group.

Claims 6, 18 and 30 form a sixth group

(8) *ClaimsAppealed*

Since the rejections for claims 8-12, 20-24 and 32-36 are withdrawn, only claims 1-7, 13-19 and 25-31 in the copy of the appealed claims contained in the Appendix should be considered.

(9) Prior Art of Record

6,477,575 KOEPPEL et al.

KOEPPPEL et al.

11-2002

(10) *Grounds of Rejection*

Examiner withdraws the previous rejections for claims 8-12, 20-24 and 32-36; thus, these claims are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The previous rejections for claims 1-7, 13-19 and 25-31 are sustained. The following is a copy of the previous rejections (Paper No. 6) for claims 1-7, 13-19 and 25-31:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 13-19 and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Koeppel et al., U. S. Patent 6,477,575.

As to claim 1, Koeppel teaches a method for controlling information gathered by collection agencies in an electronic transaction comprising the steps of (abstract):

- a) Selecting a persona facet by a user, wherein said persona facet selected comprises a user selectable information selected by the user to be exposed in said electronic transaction (column 11 lines 21-52);
- b) Connecting to a web site by a web browser (column 11 lines 51-52);
- c) Sending said selected persona facet to said web site by said web browser during said electronic transaction (column 11 line 21 – column 12 line 30 and Figs. 2-3, 5-6);

- d) Receiving information about said user stored in a database from said web site if said web site recognize said persona facet is taught by Koeppel as analyzing the information received from the user and receiving information about said user stored in a database from said web site (column 11 line 21 – column 12 line 30 and Figs. 2-3, 5-6);
- e) Updating said information about said user stored in said database (column 11 line 21 – column 12 line 60 and Figs. 2-3, 5-6).

As to claim 2, Koeppel teaches comparing said user selectable information in said persona facet with said received information from said web site (column 11 line 21 – column 12 line 60 and Figs. 2-3, 5-6).

As to claim 3, Koeppel teaches said comparing step comprises parsing said information received from said web site (column 11 line 21 – column 12 line 60 and Figs. 2-3, 5-6).

As to claim 4, said web site determines if said web site recognizes said persona facet by searching a database for said persona facet is taught by Koeppel as analyzing said persona facet by using the information stored in the database and the defined rules (column 12 lines 15-60 and Figs. 5-6).

As to claim 5, Koeppel teaches if there are differences between said information received from said web site and said user selectable information in said persona facet from said comparison then said information about said user stored in said database is updated (column 12 lines 31-60 and column 13 lines 22-28).

As to claim 6, Koeppel teaches completing said electronic transaction (column 13 lines 22-28).

As to claim 7, Koeppel teaches said user selectable information comprises customer resource data (column 11 lines 36-52 and Figs. 4A-4J).

Claims 13-19 and 25-31 are rejected for the similar reasons as claims 1-7.

(11) Response to Argument

A. In response to the arguments for claims 1, 7, 13, 19, 25 and 31:

Appellant argues that Koeppel does not teach “selecting a persona facet by a user, wherein said persona facet selected comprises a user selectable information selected by the user to exposed in said electronic transaction”. Examiner respectfully disagrees because in page 4 lines 4-6 of the specification, applicant clearly defines “A persona facet may be characterized as a facet of a persona object representing a facet of an individual’s personalities, traits or interests”, and Koeppel teaches a user selects his/her individual’s interests (persona facet) by linking to other URLs, which will result to generate user activated events (column 11 lines 34-41). These selected individual’s interests are exposed to an electronic transaction because upon the user’s selections, the individual interests are linked to other URLs.

Appellant further argues that Koeppel does not teach a persona facet because the information browsed during web browsing in Koeppel’s teaching is not the same as a persona facet. As explained early, applicant explicitly states that a persona facet represents an individual’s interests (page 4 lines 4-6 of the specification). The user’s selected information during the web browsing represents the user’s interests or a

persona facet; thus, Koeppel teaches a persona facet. Accordingly, Koeppel also teaches sending said selected persona facet to said web site by said web browser during said electronic transaction.

Appellant argues that Koeppel does not teach “receiving information about said user stored in a database from said web site if said web site recognizes said persona facet”. Examiner respectfully disagrees because Koeppel teaches this matter by receiving and analyzing the information stored in a data store 160 from the web site, and determining any adjustment should be made for the collected data (column 12 lines 1-41). The web site has to recognize the persona facet in order to realize the persona facet is up to the threshold, and forward the collected data to a corresponding analyzer for determining if any adjustment should be made.

In response to appellant’s argument that Koeppel does not disclose “updating said information about said user stored in said database”, the adjustment made for the collected data in Koeppel’s teaching corresponds to this limitation (column 12 lines 31-41).

B. *In response to the arguments for claims 2, 14 and 26:*

In response to appellant’s argument that Koeppel does not disclose “comparing said user selectable information in said persona facet with said received information from said web site”, examiner respectfully disagrees because at column 12 lines 41-60, Koeppel teaches comparing said user selectable information in said persona (*i.e. a particular content was viewed by the user*) with said received information from said web site (*the collected user response data*).

C. In response to the arguments for claims 3, 15 and 27:

Examiner further disagrees the appellant's argument that Koeppel does not disclose "said comparing step comprises parsing said information received from said web site" because evaluating a particular content from the information received from said web site (*the collected user response data*) corresponds to this limitation (column 12 lines 41-60).

D. In response to the arguments for claims 4, 16 and 28:

Appellant argues that Koeppel does not discloses "wherein said web site determines if said web site recognizes said persona facet by searching a database for said persona facet". As discussed above, the web site has to recognize the persona facet in order to realize the persona facet is up to the threshold, and forward the collected data to a corresponding analyzer for determining if any adjustment should be made. As stated in the office action, this limitation is taught by Koeppel as analyzing said persona facet by using the information stored in the database and the defined rules.

E. In response to the arguments for claims 5, 17 and 29:

In response to appellant's argument that Koeppel does not disclose "if there are differences between said information received from said web site and said user selectable information in said persona facet from said comparison then said information about said user stored in said database is updated", examiner respectfully disagrees because this matter is taught by Koeppel as analyzing and comparing the data between said information received from said web site (*the collected user response data*) and said

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user selectable information in said persona facet (*i.e. a particular content was viewed by the user*), making corresponding adjustments to said information about said user stored in said database (column 12 lines 41-60).

F. In response to the arguments for claims 6, 18 and 30:

In response to appellant's argument that Koeppel does not disclose "completing said electronic transaction", Koeppel teaches this matter in particular in Fig. 2 or Fig. 6 or at column 13 lines 22-28.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mary Cheung
February 25, 2004



Conferees

James Trammell
John Hayes

Kelly K. Kordzik
100 Congress Avenue, Suite 800
Austin, TX 78701

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

JOHN W. HAYES
PRIMARY EXAMINER

